

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

LARRY W. JOHNSON,

Plaintiff/Movant,

v.

RCO LEGAL, P.S.,

Defendant/Respondent,

v.

WELLS FARGO HOME MORTGAGE, INC.,

Garnishee.

NO. 17 MS-00172 RSL

LARRY JOHNSON'S FEE PETITION
PER APRIL 30, 2019 COURT ORDER
AWARDING ATTORNEY'S FEES

**NOTE ON MOTION CALENDAR:
Friday, June 14, 2019**

Plaintiff, by and through his attorney undersigned, submits the following fee petition pursuant to the Court's April 30, 2019 Order to Answer Writ and Awarding Attorney's Fees. Dkt. #27. In support of the Fee Petition, Mr. Johnson relies upon the Declaration of Counsel, and the records and files herein.

As the Court is aware, Mr. Johnson holds an unsatisfied judgment against RCO Legal P.S. ("RCO") entered November 20, 2017 (No. C17-512RAJ) in the principal sum of \$903,538.83. Mr. Johnson sought to collect upon his Judgment in the months thereafter, up until the time when RCO filed itself into a General Receivership in King County Superior

LARRY JOHNSON'S FEE PETITION PER APRIL 30, 2019 COURT
ORDER AWARDING ATTORNEY'S FEES - 1

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1 Court (Cause No. 18-2-08146-7 SEA). At that point, Mr. Johnson was stayed from taking any
 2 further action to enforce. While he has submitted a Proof of Claim in the Receivership, it is
 3 unlikely there will be any substantial recovery for any creditors in Mr. Johnson's classification.
 4 Accordingly, the efforts undertaken prior to the Receiver's appointment, and the efforts
 5 undertaken to maintain and protect those enforcement efforts are of utmost importance to Mr.
 6 Johnson's ability to see recovery and satisfaction of his outstanding Judgment.¹

7 The Court has requested a summary of the reasonable attorney fees incurred in
 8 responding to Wells Fargo Bank and/or Wells Fargo Home Mortgage's (collectively, "Wells
 9 Fargo") motion to vacate the Default Judgment, and separately, the reasonable fees associated
 10 with any other actions taken because of Wells Fargo's failure to answer the writ in this matter.
 11 Accordingly, Mr. Johnson provides a summary of time entries associated with the same.

12 Wells Fargo's Motion to Vacate Default Judgment was filed on or about April 6, 2018.
 13 Mr. Johnson and Wells Fargo's counsel proceeded to discuss potential resolution of the Wells
 14 Fargo Judgment over the following months. This included analyzing the Motion, issues
 15 associated with the Receivership as it related to Wells Fargo, attempting to confer with the
 16 Receiver regarding Wells Fargo A/R, analyzing and conferring with Wells Fargo regarding
 17 A/R alleged by Receiver, and examining information supplied by Wells Fargo regarding same,
 18 preparing and serving discovery upon the Receiver regarding the Wells Fargo A/R. These
 19 discussions and efforts proceeded intermittently from April 2018 through February 2019. In
 20 early February, it became apparent resolution was not forthcoming and Mr. Johnson prepared
 21 his response in opposition to the Motion. A sur-reply was prepared and filed March 6, 2019.

22 Following the Motion's noting date, the parties again discussed potential resolution of
 23 the outstanding Wells Fargo Judgment, which discussions continued through April 30, 2019
 24

25

¹ The current balance, including interest, as of May 23, 2019 is approximately \$683,121.73. RCO listed Wells Fargo as owing \$1,860,091.39 according to the Petition to Appoint Receiver.

1 when the Court entered its Order to Answer and Awarding Attorney's Fees. Dkt. #27.
 2 Between April 6, 2018 and April 30, 2019, Mr. Johnson has incurred fees in the amount of
 3 \$20,765.00 on work associated with the Wells Fargo Motion. Additionally, fees in the
 4 approximate amount of \$3,375.00 (9 hours) have been incurred in May, 2019, which amounts
 5 have not been invoiced but have been incurred in association with the Wells Fargo Motion, and
 6 this Fee Petition.²

7 Between February 6, 2018 and April 6, 2018, Mr. Johnson incurred fees in the amount
 8 of \$1,835.00 for work associated with providing notice to Wells Fargo, obtaining the Wells
 9 Fargo Judgment, and initiating enforcement action, including domesticating the Wells Fargo
 10 Judgment in Superior Court. This constitutes the "other actions" undertaken because of Wells
 11 Fargo's failure to answer. *See* Declaration of Counsel.³

12 The fees incurred in this matter are reasonable and comparable to those charged by
 13 other professionals of similar reputation and experience in the legal community, and in light of
 14 the time and effort required, the legal and factual issues presented, the amount in controversy,
 15 and the results obtained.

16 The parties have agreed to extend Wells Fargo's obligation to answer the Writ. Dkt.
 17 #29. Mr. Johnson is nonetheless authorized to submit his fee petition at any time, and
 18 accordingly, Mr. Johnson requests entry of a judgment consistent with the Court's Order
 19 Awarding Fees for his reasonable attorney fees incurred in responding to Wells Fargo's motion
 20 and for other actions taken because of Wells Fargo's failure to answer the writ. Mr. Johnson
 21 reserves the right to seek additional fees that may be occasioned by Wells Fargo's further
 22 answer and/or to quantify the accrued interest and costs to which he is entitled upon the
 23 _____

24 ² Said time was spent reviewing, negotiating and finalizing the stipulation and order to stay/extend Wells Fargo's
 25 answer deadline, as well as the preparation, drafting and finalizing the instant petition and declaration with
 exhibits in support of same.

³ As noted below, Mr. Johnson reserves the right to seek additional fees that may appropriately be deemed to be
 "other actions" undertaken because of Wells Fargo's failure to answer based on the answer that is ultimately filed.

1 underlying judgment based upon Wells Fargo's filing of its answer.
2

3 A proposed Order is included.

4 DATED this 30th day of May, 2019.

5 **s/Elizabeth Hebener Norwood**, WSBA #40930
6 *Attorneys for Plaintiff Judgment Creditor*
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LARRY JOHNSON'S FEE PETITION PER APRIL 30, 2019 COURT
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